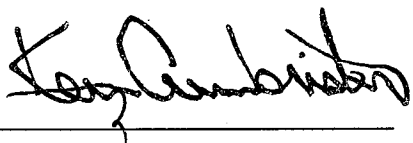


By: _____



S.B. No. 382

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement under certain health benefit plans for services provided by licensed athletic trainers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts hereinafter designated unless such policy contains a provision designating the practitioner or practitioners who will be recognized by the insurer and those who will not be recognized by the insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions, or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Licensed Audiologist, Licensed Speech-language Pathologist, Doctor in Psychology, Licensed Master Social Worker--Advanced Clinical Practitioner, Licensed Dietitian, Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Chemical/1/2

1 Dependency Counselor, Licensed Hearing Instrument Fitter and
2 Dispenser, Advanced Practice Nurse, Physician Assistant, Licensed
3 Occupational Therapist, Licensed Physical Therapist, Licensed
4 Acupuncturist, Licensed Psychological Associate, [~~and~~] Licensed
5 Surgical Assistant, and Licensed Athletic Trainer.

6 For purposes of this Act, such designations shall have the
7 following meanings:

8 Doctor of Medicine: One licensed by the Texas State Board of
9 Medical Examiners on the basis of the degree "Doctor of Medicine";

10 Doctor of Osteopathy: One licensed by the Texas State Board
11 of Medical Examiners on the basis of the degree of "Doctor of
12 Osteopathy";

13 Doctor of Dentistry: One licensed by the State Board of
14 Dental Examiners;

15 Doctor of Chiropractic: One licensed by the Texas Board of
16 Chiropractic Examiners;

17 Doctor of Optometry: One licensed by the Texas Optometry
18 Board;

19 Doctor of Podiatry: One licensed by the Texas State Board of
20 Podiatric Medical Examiners;

21 Licensed Audiologist: One with a master's or doctorate
22 degree in audiology from an accredited college or university and
23 who is licensed as an audiologist by the State Board of Examiners
24 for Speech-Language Pathology and Audiology;

25 Licensed Speech-language Pathologist: One with a master's or
26 doctorate degree in speech pathology or speech-language pathology
27 from an accredited college or university and who is licensed as a²/₃

1 speech-language pathologist by the State Board of Examiners for
2 Speech-Language Pathology and Audiology;

3 Doctor in Psychology: One licensed by the Texas State Board
4 of Examiners of Psychologists and certified as a Health Service
5 Provider;

6 Licensed Master Social Worker--Advanced Clinical
7 Practitioner: One licensed by the Texas State Board of Social
8 Worker Examiners as a Licensed Master Social Worker with the order
9 of recognition of Advanced Clinical Practitioner;

10 Licensed Dietitian: One licensed by the Texas State Board of
11 Examiners of Dietitians;

12 Licensed Professional Counselor: One licensed by the Texas
13 State Board of Examiners of Professional Counselors;

14 Licensed Marriage and Family Therapist: One licensed by the
15 Texas State Board of Examiners of Marriage and Family Therapists;

16 Licensed Chemical Dependency Counselor: One licensed by the
17 Texas Commission on Alcohol and Drug Abuse;

18 Licensed Hearing Instrument Fitter and Dispenser: One
19 licensed by the State Committee of Examiners in the Fitting and
20 Dispensing of Hearing Instruments;

21 Advanced Practice Nurse: One licensed by the Board of Nurse
22 Examiners as a registered nurse and recognized by that board as an
23 advanced practice nurse;

24 Physician Assistant: One licensed by the Texas State Board
25 of Physician Assistant Examiners;

26 Licensed Occupational Therapist: One licensed by the Texas
27 Board of Occupational Therapy Examiners; / 3/4

1 Licensed Physical Therapist: One licensed by the Texas Board
2 of Physical Therapy Examiners;

3 Licensed Acupuncturist: One licensed by the Texas State
4 Board of Medical Examiners as an acupuncturist;

5 Licensed Psychological Associate: One licensed by the Texas
6 State Board of Examiners of Psychologists and practicing under the
7 supervision of a licensed psychologist; ~~and~~

8 Licensed Surgical Assistant: One licensed by the Texas State
9 Board of Medical Examiners as a surgical assistant; and

10 Licensed Athletic Trainer: One licensed by the Advisory
11 Board of Athletic Trainers.

12 SECTION 2. Section 3, Article 3.70-3C, Insurance Code, as
13 added by Chapter 1024, Acts of the 75th Legislature, Regular
14 Session, 1997, is amended by adding Subsection (p) to read as
15 follows:

16 (p) A preferred provider may not refuse to contract with an
17 athletic trainer, as defined by Section 451.001, Occupations Code,
18 to be included in the provider's network or refuse to reimburse the
19 athletic trainer for a covered service that a physician has
20 requested the athletic trainer to perform.

21 SECTION 3. Section 1, Article 21.52, Insurance Code, as
22 amended by Chapters 812 and 1014, Acts of the 77th Legislature,
23 Regular Session, 2001, is amended to read as follows:

24 Sec. 1. DEFINITIONS. As used in this article:

25 (a) "health insurance policy" means any individual,
26 group, blanket, or franchise insurance policy, insurance
27 agreement, or group hospital service contract, providing benefits /4/5

1 for medical or surgical expenses incurred as a result of an accident
2 or sickness;

3 (b) "doctor of podiatric medicine" includes D.P.M.,
4 podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

5 (c) "doctor of optometry" includes optometrist,
6 doctor of optometry, and O.D.;

7 (d) "doctor of chiropractic" means a person who is
8 licensed by the Texas Board of Chiropractic Examiners to practice
9 chiropractic;

10 (e) "licensed dentist" means a person who is licensed
11 to practice dentistry by the State Board of Dental Examiners;

12 (f) "licensed audiologist" means a person who has
13 received a master's or doctorate degree in audiology from an
14 accredited college or university and is licensed as an audiologist
15 by the State Board of Examiners for Speech-Language Pathology and
16 Audiology;

17 (g) "licensed speech-language pathologist" means a
18 person who has received a master's or doctorate degree in
19 speech-language pathology from an accredited college or university
20 and is licensed as a speech-language pathologist by the State Board
21 of Examiners for Speech-Language Pathology and Audiology;

22 (h) "licensed master social worker--advanced clinical
23 practitioner" means a person who is licensed by the Texas State
24 Board of Social Worker Examiners as a licensed master social worker
25 with the order of recognition of advanced clinical practitioner;

26 (i) "licensed dietitian" means a person who is
27 licensed by the Texas State Board of Examiners of Dietitians; / 5/4

1 (j) "licensed professional counselor" means a person
2 who is licensed by the Texas State Board of Examiners of
3 Professional Counselors;

4 (k) "psychologist" means a person licensed to practice
5 psychology by the Texas State Board of Examiners of Psychologists;

6 (l) "licensed marriage and family therapist" means a
7 person who is licensed by the Texas State Board of Examiners of
8 Marriage and Family Therapists;

9 (m) "licensed chemical dependency counselor" means a
10 person who is licensed by the Texas Commission on Alcohol and Drug
11 Abuse;

12 (n) "licensed hearing instrument fitter and
13 dispenser" means a person who is licensed by the State Committee of
14 Examiners in the Fitting and Dispensing of Hearing Instruments;

15 (o) "licensed psychological associate" means a person
16 who is licensed by the Texas State Board of Examiners of
17 Psychologists and who practices under the supervision of a licensed
18 psychologist;

19 (p) "occupational therapist" means a person who is
20 licensed to practice occupational therapy by the Texas Board of
21 Occupational Therapy Examiners;

22 (q) "physical therapist" means a person who practices
23 physical therapy and is licensed by the Texas Board of Physical
24 Therapy Examiners;

25 (r) "advanced practice nurse" means a person licensed
26 by the Board of Nurse Examiners and recognized by that board as an
27 advanced practice nurse; / 7

1 (s) "licensed acupuncturist" means a person licensed
2 to practice acupuncture by the Texas State Board of Medical
3 Examiners;

4 (t) "physician assistant" means a person licensed by
5 the Texas State Board of Physician Assistant Examiners; ~~[and]~~

6 (u) "nurse first assistant" has the meaning assigned
7 by Section 301.1525, Occupations Code; ~~[-]~~

8 (v) ~~[(u)]~~ "Surgical assistant" means a person licensed
9 by the Texas State Board of Medical Examiners as a surgical
10 assistant; and

11 (w) "licensed athletic trainer" means a person
12 licensed by the Advisory Board of Athletic Trainers.

13 SECTION 4. ^{Subsection (a),} Section 3 ~~(a)~~, Article 21.52, Insurance Code, as
14 amended by Chapters 812 and 1014, Acts of the 77th Legislature,
15 Regular Session, 2001, is amended to read as follows:

16 (a) Any person who is issued, who is a party to, or who is a
17 beneficiary under any health insurance policy delivered, renewed,
18 or issued for delivery in this state by any insurance company,
19 association, or organization to which this article applies may
20 select:

21 (1) a licensed doctor of podiatric medicine, a
22 licensed dentist, or a doctor of chiropractic to perform the
23 medical or surgical services or procedures scheduled in the policy
24 which fall within the scope of the license of that practitioner;

25 (2) a licensed doctor of optometry to perform the
26 services or procedures scheduled in the policy which fall within ^{7/8}
27 the scope of the license of that doctor of optometry;

1 (3) an occupational therapist to provide the services
2 scheduled in the policy which fall within the scope of the license
3 of that occupational therapist;

4 (4) a physical therapist to provide the services
5 scheduled in the policy which fall within the scope of the license
6 of that physical therapist;

7 (5) a licensed audiologist to measure hearing for the
8 purpose of determining the presence or extent of a hearing loss and
9 to provide aural rehabilitation services to a person with a hearing
10 loss if those services or procedures are scheduled in the policy;

11 (6) a licensed speech-language pathologist to
12 evaluate speech and language and to provide habilitative and
13 rehabilitative services to restore speech or language loss or to
14 correct a speech or language impairment if those services or
15 procedures are scheduled in the policy;

16 (7) a licensed master social worker--advanced
17 clinical practitioner to provide the services that fall within the
18 scope of the license of such certified practitioner and which are
19 specified as services within the terms of the policy of insurance,
20 including the provision of direct, diagnostic, preventive, or
21 clinical services to individuals, families, and groups whose
22 functioning is threatened or affected by social or psychological
23 stress or health impairment, if those services or procedures are
24 scheduled in the policy;

25 (8) a licensed dietitian including a provisional
26 licensed dietitian under a licensed dietitian's supervision to /^s/7
27 provide the services that fall within the scope of the license of

1 that dietitian if those services are scheduled in the policy;

2 (9) a licensed professional counselor to provide the
3 services that fall within the scope of the license of that
4 professional if those services are scheduled in the policy;

5 (10) a licensed marriage and family therapist to
6 provide the services that fall within the scope of the license of
7 that professional if those services are scheduled in the policy;

8 (11) a psychologist to perform the services or
9 procedures scheduled in the policy that fall within the scope of the
10 license of that psychologist;

11 (12) a licensed chemical dependency counselor to
12 perform the services or procedures scheduled in the policy that
13 fall within the scope of the license of that practitioner;

14 (13) a licensed acupuncturist to perform the services
15 or procedures scheduled in the policy that fall within the scope of
16 the license of that practitioner;

17 (14) an advanced practice nurse to provide the
18 services scheduled in the policy that fall within the scope of the
19 license of that practitioner;

20 (15) a physician assistant to provide the services
21 scheduled in the policy that fall within the scope of the license of
22 that practitioner;

23 (16) a licensed hearing instrument fitter and
24 dispenser to provide the services or procedures scheduled in the
25 policy that fall within the scope of the license of that
26 practitioner; / 9/10

27 (17) a licensed psychological associate to provide the

1 services that fall within the scope of the license of that
2 professional if those services are scheduled in the policy; [~~or~~]

3 (18) [~~(17)~~] a licensed surgical assistant to provide
4 the services or procedures scheduled in the policy that fall within
5 the scope of the license of that practitioner; [~~or~~]

6 (19) [~~(18)~~] a nurse first assistant to provide the
7 services scheduled in the policy that:

8 (A) fall within the scope of the license of that
9 practitioner; and

10 (B) are requested by the physician whom the nurse
11 is assisting; or

12 (20) a licensed athletic trainer to provide the
13 services that fall within the scope of the license of that
14 professional if those services are scheduled in the policy.

15 SECTION 5. ^{Subsection (c),} Section 3(~~c~~), Article 21.52, Insurance Code, is
16 amended to read as follows:

17 (c) The payment or reimbursement by the insurance company,
18 association, or organization for services or procedures in
19 accordance with the payment schedule or the payment provisions in
20 the policy shall not be denied because the same were performed by a
21 licensed doctor of podiatric medicine, a licensed doctor of
22 optometry, a licensed doctor of chiropractic, a licensed dentist,
23 an occupational therapist, a physical therapist, a licensed
24 audiologist, a licensed speech-language pathologist, a licensed
25 master social worker--advanced clinical practitioner, a licensed
26 dietitian, a licensed professional counselor, a licensed marriage / 'u/
27 and family therapist, a psychologist, a licensed psychological

1 associate, a licensed chemical dependency counselor, an advanced
2 practice nurse, a nurse first assistant, a physician assistant, a
3 licensed acupuncturist, [~~or~~] a licensed hearing instrument fitter
4 and dispenser, or a licensed athletic trainer.

5 SECTION 6. ^{Subsection (d)} ~~Section 3(a)~~, Article 21.52, Insurance Code, as
6 amended by Chapters 812 and 1014, Acts of the 77th Legislature,
7 Regular Session, 2001, is amended to read as follows:

8 (d) There shall not be any classification, differentiation,
9 or other discrimination in the payment schedule or the payment
10 provisions in a health insurance policy, nor in the amount or manner
11 of payment or reimbursement thereunder, between scheduled services
12 or procedures when performed by a doctor of podiatric medicine, a
13 doctor of optometry, a doctor of chiropractic, a licensed dentist,
14 an occupational therapist, a physical therapist, a licensed
15 athletic trainer, a licensed audiologist, a licensed
16 speech-language pathologist, a licensed master social
17 worker--advanced clinical practitioner, a licensed dietitian, a
18 licensed professional counselor, a licensed marriage and family
19 therapist, a psychologist, a licensed psychological associate, a
20 licensed chemical dependency counselor, an advanced practice nurse
21 to provide the services scheduled in the policy, a nurse first
22 assistant to provide the services scheduled in the policy and
23 requested by the physician whom the nurse is assisting, a physician
24 assistant to provide the services scheduled in the policy, a
25 licensed acupuncturist, or a licensed hearing instrument fitter and / 1/2
26 dispenser which fall within the scope of that practitioner's
27 license or certification and the same services or procedures when

1 performed by any other practitioner of the healing arts whose
2 services or procedures are covered by the policy. However, a health
3 insurance policy may provide for a different amount of payment or
4 reimbursement for scheduled services or procedures when performed
5 by an advanced practice nurse, a nurse first assistant, licensed
6 surgical assistant, or physician assistant provided the
7 reimbursement methodology used to calculate the payment for the
8 service or procedure is the same methodology used to calculate the
9 payment when the service or procedure is provided by a physician.

10 SECTION 7. Subchapter I, Chapter 843, Insurance Code, as
11 effective June 1, 2003, is amended by adding Section 843.3121 to
12 read as follows:

13 Sec. 843.3121. ATHLETIC TRAINERS. A health maintenance
14 organization may not refuse to contract with an athletic trainer,
15 as defined by Section 451.001, Occupations Code, to be included in
16 the organization's provider network or refuse to reimburse the
17 athletic trainer for a covered service that a physician has
18 requested the athletic trainer to perform.

19 SECTION 8. This Act takes effect September 1, 2003, and
20 applies only to a health insurance policy or contract or an evidence
21 of coverage that is delivered, issued for delivery, or renewed on or
22 after January 1, 2004. A health insurance policy or contract or an
23 evidence of coverage that is delivered, issued for delivery, or
24 renewed before January 1, 2004, is governed by the law as it existed
25 immediately before the effective date of this Act, and that law is / 12/13
26 continued in effect for that purpose.

1-1 By: Armbrister S.B. No. 382
1-2 (In the Senate - Filed February 6, 2003; February 11, 2003,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 2, 2003, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to reimbursement under certain health benefit plans for
1-9 services provided by licensed athletic trainers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of
1-12 the 54th Legislature, Regular Session, 1955 (Article 3.70-2,
1-13 Vernon's Texas Insurance Code), is amended to read as follows:

1-14 (B) No policy of accident and sickness insurance shall make
1-15 benefits contingent upon treatment or examination by a particular
1-16 practitioner or by particular practitioners of the healing arts
1-17 hereinafter designated unless such policy contains a provision
1-18 designating the practitioner or practitioners who will be
1-19 recognized by the insurer and those who will not be recognized by
1-20 the insurer. Such provision may be located in the "Exceptions" or
1-21 "Exceptions and Reductions" provisions, or elsewhere in the policy,
1-22 or by endorsement attached to the policy, at the insurer's option.
1-23 In designating the practitioners who will and will not be
1-24 recognized, such provision shall use the following terms: Doctor
1-25 of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of
1-26 Chiropractic, Doctor of Optometry, Doctor of Podiatry, Licensed
1-27 Audiologist, Licensed Speech-language Pathologist, Doctor in
1-28 Psychology, Licensed Master Social Worker--Advanced Clinical
1-29 Practitioner, Licensed Dietitian, Licensed Professional Counselor,
1-30 Licensed Marriage and Family Therapist, Licensed Chemical
1-31 Dependency Counselor, Licensed Hearing Instrument Fitter and
1-32 Dispenser, Advanced Practice Nurse, Physician Assistant, Licensed
1-33 Occupational Therapist, Licensed Physical Therapist, Licensed
1-34 Acupuncturist, Licensed Psychological Associate, ~~and~~ Licensed
1-35 Surgical Assistant, and Licensed Athletic Trainer.

1-36 For purposes of this Act, such designations shall have the
1-37 following meanings:

1-38 Doctor of Medicine: One licensed by the Texas State Board of
1-39 Medical Examiners on the basis of the degree "Doctor of Medicine";

1-40 Doctor of Osteopathy: One licensed by the Texas State Board
1-41 of Medical Examiners on the basis of the degree of "Doctor of
1-42 Osteopathy";

1-43 Doctor of Dentistry: One licensed by the State Board of
1-44 Dental Examiners;

1-45 Doctor of Chiropractic: One licensed by the Texas Board of
1-46 Chiropractic Examiners;

1-47 Doctor of Optometry: One licensed by the Texas Optometry
1-48 Board;

1-49 Doctor of Podiatry: One licensed by the Texas State Board of
1-50 Podiatric Medical Examiners;

1-51 Licensed Audiologist: One with a master's or doctorate
1-52 degree in audiology from an accredited college or university and
1-53 who is licensed as an audiologist by the State Board of Examiners
1-54 for Speech-Language Pathology and Audiology;

1-55 Licensed Speech-language Pathologist: One with a master's or
1-56 doctorate degree in speech pathology or speech-language pathology
1-57 from an accredited college or university and who is licensed as a
1-58 speech-language pathologist by the State Board of Examiners for
1-59 Speech-Language Pathology and Audiology;

1-60 Doctor in Psychology: One licensed by the Texas State Board
1-61 of Examiners of Psychologists and certified as a Health Service
1-62 Provider;

1-63 Licensed Master Social Worker--Advanced Clinical
1-64 Practitioner: One licensed by the Texas State Board of Social

Worker Examiners as a Licensed Master Social Worker with the order of recognition of Advanced Clinical Practitioner;

Licensed Dietitian: One licensed by the Texas State Board of Examiners of Dietitians;

Licensed Professional Counselor: One licensed by the Texas State Board of Examiners of Professional Counselors;

Licensed Marriage and Family Therapist: One licensed by the Texas State Board of Examiners of Marriage and Family Therapists;

Licensed Chemical Dependency Counselor: One licensed by the Texas Commission on Alcohol and Drug Abuse;

Licensed Hearing Instrument Fitter and Dispenser: One licensed by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;

Advanced Practice Nurse: One licensed by the Board of Nurse Examiners as a registered nurse and recognized by that board as an advanced practice nurse;

Physician Assistant: One licensed by the Texas State Board of Physician Assistant Examiners;

Licensed Occupational Therapist: One licensed by the Texas Board of Occupational Therapy Examiners;

Licensed Physical Therapist: One licensed by the Texas Board of Physical Therapy Examiners;

Licensed Acupuncturist: One licensed by the Texas State Board of Medical Examiners as an acupuncturist;

Licensed Psychological Associate: One licensed by the Texas State Board of Examiners of Psychologists and practicing under the supervision of a licensed psychologist; ~~and~~

Licensed Surgical Assistant: One licensed by the Texas State Board of Medical Examiners as a surgical assistant; and

Licensed Athletic Trainer: One licensed by the Advisory Board of Athletic Trainers.

SECTION 2. Section 3, Article 3.70-3C, Insurance Code, as added by Chapter 1024, Acts of the 75th Legislature, Regular Session, 1997, is amended by adding Subsection (p) to read as follows:

(p) A preferred provider may not refuse to contract with an athletic trainer, as defined by Section 451.001, Occupations Code, to be included in the provider's network or refuse to reimburse the athletic trainer for a covered service that a physician has requested the athletic trainer to perform.

SECTION 3. Section 1, Article 21.52, Insurance Code, as amended by Chapters 812 and 1014, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed by the Texas Board of Chiropractic Examiners to practice chiropractic;

(e) "licensed dentist" means a person who is licensed to practice dentistry by the State Board of Dental Examiners;

(f) "licensed audiologist" means a person who has received a master's or doctorate degree in audiology from an accredited college or university and is licensed as an audiologist by the State Board of Examiners for Speech-Language Pathology and Audiology;

(g) "licensed speech-language pathologist" means a person who has received a master's or doctorate degree in speech-language pathology from an accredited college or university and is licensed as a speech-language pathologist by the State Board of Examiners for Speech-Language Pathology and Audiology;

(h) "licensed master social worker--advanced clinical

practitioner" means a person who is licensed by the Texas State Board of Social Worker Examiners as a licensed master social worker with the order of recognition of advanced clinical practitioner;

(i) "licensed dietitian" means a person who is licensed by the Texas State Board of Examiners of Dietitians;

(j) "licensed professional counselor" means a person who is licensed by the Texas State Board of Examiners of Professional Counselors;

(k) "psychologist" means a person licensed to practice psychology by the Texas State Board of Examiners of Psychologists;

(l) "licensed marriage and family therapist" means a person who is licensed by the Texas State Board of Examiners of Marriage and Family Therapists;

(m) "licensed chemical dependency counselor" means a person who is licensed by the Texas Commission on Alcohol and Drug Abuse;

(n) "licensed hearing instrument fitter and dispenser" means a person who is licensed by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;

(o) "licensed psychological associate" means a person who is licensed by the Texas State Board of Examiners of Psychologists and who practices under the supervision of a licensed psychologist;

(p) "occupational therapist" means a person who is licensed to practice occupational therapy by the Texas Board of Occupational Therapy Examiners;

(q) "physical therapist" means a person who practices physical therapy and is licensed by the Texas Board of Physical Therapy Examiners;

(r) "advanced practice nurse" means a person licensed by the Board of Nurse Examiners and recognized by that board as an advanced practice nurse;

(s) "licensed acupuncturist" means a person licensed to practice acupuncture by the Texas State Board of Medical Examiners;

(t) "physician assistant" means a person licensed by the Texas State Board of Physician Assistant Examiners; ~~and~~

(u) "nurse first assistant" has the meaning assigned by Section 301.1525, Occupations Code; ~~[-]~~

(v) ~~[-]~~ "Surgical assistant" means a person licensed by the Texas State Board of Medical Examiners as a surgical assistant; and

(w) "licensed athletic trainer" means a person licensed by the Advisory Board of Athletic Trainers.

SECTION 4. Subsection (a), Section 3, Article 21.52, Insurance Code, as amended by Chapters 812 and 1014, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) Any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this state by any insurance company, association, or organization to which this article applies may select:

(1) a licensed doctor of podiatric medicine, a licensed dentist, or a doctor of chiropractic to perform the medical or surgical services or procedures scheduled in the policy which fall within the scope of the license of that practitioner;

(2) a licensed doctor of optometry to perform the services or procedures scheduled in the policy which fall within the scope of the license of that doctor of optometry;

(3) an occupational therapist to provide the services scheduled in the policy which fall within the scope of the license of that occupational therapist;

(4) a physical therapist to provide the services scheduled in the policy which fall within the scope of the license of that physical therapist;

(5) a licensed audiologist to measure hearing for the purpose of determining the presence or extent of a hearing loss and to provide aural rehabilitation services to a person with a hearing

loss if those services or procedures are scheduled in the policy;

(6) a licensed speech-language pathologist to evaluate speech and language and to provide habilitative and rehabilitative services to restore speech or language loss or to correct a speech or language impairment if those services or procedures are scheduled in the policy;

(7) a licensed master social worker--advanced clinical practitioner to provide the services that fall within the scope of the license of such certified practitioner and which are specified as services within the terms of the policy of insurance, including the provision of direct, diagnostic, preventive, or clinical services to individuals, families, and groups whose functioning is threatened or affected by social or psychological stress or health impairment, if those services or procedures are scheduled in the policy;

(8) a licensed dietitian including a provisional licensed dietitian under a licensed dietitian's supervision to provide the services that fall within the scope of the license of that dietitian if those services are scheduled in the policy;

(9) a licensed professional counselor to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy;

(10) a licensed marriage and family therapist to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy;

(11) a psychologist to perform the services or procedures scheduled in the policy that fall within the scope of the license of that psychologist;

(12) a licensed chemical dependency counselor to perform the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner;

(13) a licensed acupuncturist to perform the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner;

(14) an advanced practice nurse to provide the services scheduled in the policy that fall within the scope of the license of that practitioner;

(15) a physician assistant to provide the services scheduled in the policy that fall within the scope of the license of that practitioner;

(16) a licensed hearing instrument fitter and dispenser to provide the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner;

(17) a licensed psychological associate to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy; ~~or~~

(18) ~~[(17)]~~ a licensed surgical assistant to provide the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner; ~~or~~

(19) ~~[(18)]~~ a nurse first assistant to provide the services scheduled in the policy that:

(A) fall within the scope of the license of that practitioner; and

(B) are requested by the physician whom the nurse is assisting; or

(20) a licensed athletic trainer to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy.

SECTION 5. Subsection (c), Section 3, Article 21.52, Insurance Code, is amended to read as follows:

(c) The payment or reimbursement by the insurance company, association, or organization for services or procedures in accordance with the payment schedule or the payment provisions in the policy shall not be denied because the same were performed by a licensed doctor of podiatric medicine, a licensed doctor of optometry, a licensed doctor of chiropractic, a licensed dentist, an occupational therapist, a physical therapist, a licensed audiologist, a licensed speech-language pathologist, a licensed

5-1 master social worker--advanced clinical practitioner, a licensed
 5-2 dietitian, a licensed professional counselor, a licensed marriage
 5-3 and family therapist, a psychologist, a licensed psychological
 5-4 associate, a licensed chemical dependency counselor, an advanced
 5-5 practice nurse, a nurse first assistant, a physician assistant, a
 5-6 licensed acupuncturist, ~~or~~ a licensed hearing instrument fitter
 5-7 and dispenser, or a licensed athletic trainer.

5-8 SECTION 6. Subsection (d), Section 3, Article 21.52,
 5-9 Insurance Code, as amended by Chapters 812 and 1014, Acts of the
 5-10 77th Legislature, Regular Session, 2001, is amended to read as
 5-11 follows:

5-12 (d) There shall not be any classification, differentiation,
 5-13 or other discrimination in the payment schedule or the payment
 5-14 provisions in a health insurance policy, nor in the amount or manner
 5-15 of payment or reimbursement thereunder, between scheduled services
 5-16 or procedures when performed by a doctor of podiatric medicine, a
 5-17 doctor of optometry, a doctor of chiropractic, a licensed dentist,
 5-18 an occupational therapist, a physical therapist, a licensed
 5-19 athletic trainer, a licensed audiologist, a licensed
 5-20 speech-language pathologist, a licensed master social
 5-21 worker--advanced clinical practitioner, a licensed dietitian, a
 5-22 licensed professional counselor, a licensed marriage and family
 5-23 therapist, a psychologist, a licensed psychological associate, a
 5-24 licensed chemical dependency counselor, an advanced practice nurse
 5-25 to provide the services scheduled in the policy, a nurse first
 5-26 assistant to provide the services scheduled in the policy and
 5-27 requested by the physician whom the nurse is assisting, a physician
 5-28 assistant to provide the services scheduled in the policy, a
 5-29 licensed acupuncturist, or a licensed hearing instrument fitter and
 5-30 dispenser which fall within the scope of that practitioner's
 5-31 license or certification and the same services or procedures when
 5-32 performed by any other practitioner of the healing arts whose
 5-33 services or procedures are covered by the policy. However, a health
 5-34 insurance policy may provide for a different amount of payment or
 5-35 reimbursement for scheduled services or procedures when performed
 5-36 by an advanced practice nurse, a nurse first assistant, licensed
 5-37 surgical assistant, or physician assistant provided the
 5-38 reimbursement methodology used to calculate the payment for the
 5-39 service or procedure is the same methodology used to calculate the
 5-40 payment when the service or procedure is provided by a physician.

5-41 SECTION 7. Subchapter I, Chapter 843, Insurance Code, as
 5-42 effective June 1, 2003, is amended by adding Section 843.3121 to
 5-43 read as follows:

5-44 Sec. 843.3121. ATHLETIC TRAINERS. A health maintenance
 5-45 organization may not refuse to contract with an athletic trainer,
 5-46 as defined by Section 451.001, Occupations Code, to be included in
 5-47 the organization's provider network or refuse to reimburse the
 5-48 athletic trainer for a covered service that a physician has
 5-49 requested the athletic trainer to perform.

5-50 SECTION 8. This Act takes effect September 1, 2003, and
 5-51 applies only to a health insurance policy or contract or an evidence
 5-52 of coverage that is delivered, issued for delivery, or renewed on or
 5-53 after January 1, 2004. A health insurance policy or contract or an
 5-54 evidence of coverage that is delivered, issued for delivery, or
 5-55 renewed before January 1, 2004, is governed by the law as it existed
 5-56 immediately before the effective date of this Act, and that law is
 5-57 continued in effect for that purpose.

5-58 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 382
By Armbrister
(Author/Senate Sponsor)
4/2/03
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,
have on March 31, 2003, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator William R. Ratliff, Chair	<input checked="" type="checkbox"/>			
Senator Todd Staples, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Ken Armbrister	<input checked="" type="checkbox"/>			
Senator Robert Duncan	<input checked="" type="checkbox"/>			
Senator Rodney Ellis	<input checked="" type="checkbox"/>			
Senator Troy Fraser	<input checked="" type="checkbox"/>			
Senator Chris Harris			<input checked="" type="checkbox"/>	
Senator Frank Madla	<input checked="" type="checkbox"/>			
Senator Jane Nelson	<input checked="" type="checkbox"/>			
TOTAL VOTES	8	0	1	0

COMMITTEE ACTION

~~S268~~ Considered in public hearing

~~S270~~ Testimony taken

Mary Brubaker
COMMITTEE CLERK

Ratliff
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

SB 382

SENATE COMMITTEE REPORT

State Affairs

March 27, 2003 - 8:00AM

FOR: Stephens, Michael "Spanky" (Texas State Athletic Trainers Association), Austin, TX

AGAINST: Eiland, Gordon (Texas Physical Therapy Association), Austin, TX

Registering, but not testifying:

FOR: Matthews, Randell (Texas State Athletic Trainers' Association), San Angelo, TX

AGAINST: Bellsnyder, Luke (Texas Association of Business), Austin, TX

Clark, Jeffrey (NFIB National Federation of Independent Business), Austin, TX

Fette, Claudette (Self), Denton, TX

Hennigan, Mary (Texas Occupational Therapy Association), Austin, TX

BILL ANALYSIS

Senate Research Center
78R3144 PB-F

S.B. 382
By: Armbrister
State Affairs
3/19/2003
As Filed

DIGEST AND PURPOSE

Current Texas law does not include licensed athletic trainers as practitioners who insurance policy provisions must recognize or not recognize for purposes of direct reimbursement of services. As proposed, S.B. 382 amends the Insurance Code to make licensed athletic trainers eligible for direct reimbursement from insurance providers in the same manner as currently provided to other health care practitioners.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 3.70-2, Insurance Code, by adding a Licensed Athletic Trainer as a practitioner who may or may not be explicitly recognized by an insurer for purposes of providing benefits under a policy of accident and sickness insurance. Defines "Licensed Athletic Trainer for the purposes of this Act. Makes nonsubstantive changes.

SECTION 2. Amends Article 3.70-3C, Insurance Code, by adding Subsection (p), to prohibit a preferred provider from refusing to contract with an athletic trainer, as defined under Section 451.001, Occupations Code, to be included in the provider's network or refusing to reimburse the athletic trainer for a covered service that a physician has requested the athletic trainer to perform.

SECTION 3. Amends Section 1, Article 21.52, Insurance Code, by adding Subsection (w) to define "licensed athletic trainer." Makes a nonsubstantive change.

SECTION 4. Amends Section 3(a), Article 21.52, Insurance Code, by creating Subdivisions (18) and (19) from existing Subdivisions (17) and (18), and by adding Subdivision (20), as follows:

(20) Adds a license athletic trainer to the list of professionals that a beneficiary of a health insurance policy in this state may select to provide relevant services if such services are scheduled in the policy.

SECTION 5. Amends Section 3(c), Article 21.52, Insurance Code, to add a licensed athletic trainer to the list of professionals for whose services an insurance company, association, or organization may not deny payment or reimbursement, if such services are carried out in accordance with the payment schedule or provisions.

SECTION 6. Amends Section 3(d), Article 21.52, Insurance Code, to add a licensed athletic trainer to the list of professionals between which there may be no differentiation or discrimination in the payment schedule or provisions in a health insurance policy nor in the amount or manner of payment for services or procedures.

SECTION 7. Amends Chapter 843I, Insurance Code, by adding Section 843.3121, as follows:

Sec. 843.3121. ATHLETIC TRAINERS. Prohibits a health maintenance organization from refusing to contract with an athletic trainer, as defined by Section 451.001, Occupations Code, to be included in the organization's provider network or refusing to reimburse the athletic trainer for a covered service that a physician has requested the athletic trainer to perform.

SECTION 8. Effective date: September 1, 2003.

Makes application of this Act prospective to January 1, 2004.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 24, 2003

TO: Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB382 by Armbrister (Relating to reimbursement under certain health benefit plans for services provided by licensed athletic trainers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The Texas Department of Insurance indicates it can implement the provisions of the bill within current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 454 Department of Insurance

LBB Staff: JK, RR, RT, RB

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 382, by Armbruster,
(Bill No.) (Author/Sponsor)
was heard by the Committee on State affairs on 3/31, 2003,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Henry B. Hall

(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

S.B. No. 382

By Ken Cumbier

A BILL TO BE ENTITLED

AN ACT:

relating to reimbursement under certain health benefit plans for services provided by licensed athletic trainers.

2-6-2003

Filed with the Secretary of the Senate

FEB 11 2003

Read and referred to Committee on STATE AFFAIRS

APR 02 2003

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 10 2003

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent
____ years, ____ nays

APR 10 2003

Read second time, _____, and ordered engrossed by:

{ unanimous consent
a viva voce vote
____ years, ____ nays

APR 10 2003

Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 2 nays.

APR 10 2003

Read third time, _____, and passed by:

{ A viva voce vote
____ yeas, ____ nays

Latoy Spaw
SECRETARY OF THE SENATE

OTHER ACTION:

April 10, 2003 Engrossed

April 14, 2003 Sent to House

Engrossing Clerk Mardi Alyson

APR 14 2003

Received from the Senate

APR 15 2003

Read first time and referred to Committee on Public Health

Reported ____ favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of ____ yeas, ____ nays, ____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays